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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**SHARION TURNER and ANANSA
TURNER,**

Plaintiffs,

vs.

**FIDELITY CAPITAL HOLDINGS,
INC. d/b/a FIDELITY INFORMATION
CORPORATION,**

Defendant.

Case No.: 2:23-cv-05535-HDV-BFM

**DECLARATION OF MONA AMINI
IN RESPONSE TO ORDER TO
SHOW CAUSE (DKT. NO. 12)**





1 I, MONA AMINI, declare and state as follows:

- 2 1. I am an attorney licensed to practice law in the State of California. I am an
3 attorney with the law firm Kazerouni Law Group, APC, attorneys of record for
4 Plaintiffs SHARION TURNER and ANANSA TURNER, ("Plaintiffs"). The
5 information stated herein is stated to my own knowledge, except for those
6 stated to be based on information and belief. If called upon to testify, I could
7 and would competently testify as follows:
- 8 2. This declaration is submitted in response to the Court's Order to Show Cause
9 regarding dismissal for lack of prosecution in this action (Dkt. No. 12) and in
10 support of Plaintiff's request for additional time to complete service of
11 Defendant in this action.
- 12 3. Plaintiff has attempted to have Defendant served with the Summons and
13 Complaint; however, service has not yet been successfully effectuated.
- 14 4. Plaintiff has been informed by the process server attempting to serve
15 Defendant at 441 North Varney Street, Burbank, CA 91502 – which is both
16 Defendant's corporate headquarters and the address for Defendant's agent for
17 service of process – that "this business has been closed down at this location
18 for three years." *See* Return of Non-Service attached hereto as **Exhibit 1**.
- 19 5. Plaintiff additionally attempted service at 17383 Sunset Blvd, A370, Los
20 Angeles, CA 90272, which Plaintiff's counsel believed to be a possible address
21 for Defendant. However, Plaintiff has been informed by the process server
22 attempting to serve Defendant at 17383 Sunset Blvd, A370, Los Angeles, CA
23 90272 that "Suite, A370 is stripped out and no longer in use" and the process
24 server's Affidavit of Non-Service further stated, "After careful inquiry and
25 diligent attempts, I was unable to serve Fidelity Capital Holdings, Inc. d/b/a
26 Fidelity Information Corporation as I could not find the subject or information
27 as to the location of the subject's whereabouts." *See* Affidavit of Non-Service
28 attached hereto as **Exhibit 2**.



6. The address which the process server initially attempted service (441 N. Varney Street, Burbank, CA 91502) is the only address for Defendant and Defendant's Agent for Service registered the California Secretary of State. Defendant filed a Statement of Information No Change on April 17, 2023, signed by Clinton J. Sallee, who is Defendant Fidelity Capital Holdings, Inc.'s Chief Executive Officer, Secretary, Chief Financial Officer, Director, and Agent of Service, indicating "There has been no change in any of the information contained in the previous complete Statement of Information filed with the California Secretary of State." A copy of the Statement of Information No Change document filed by Defendant is attached hereto as **Exhibit 3**.
7. Plaintiff is continuing efforts to locate an address where service may successfully be performed on Defendant.
8. In light of the above-described difficulties in being able to complete service of Defendant, Plaintiff respectfully requests that the Court not dismiss this action and provide Plaintiff with additional time to attempt to effectuate service. This extension is requested for good cause and not for purposes of delay, to preserve Plaintiff's statute of limitations related to Plaintiff's claims asserted in this action, and in the interest of fair play and justice.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct, and that this declaration was executed this 26th day of December 2023 in Costa Mesa, California.

/s/ Mona Amini

MONA AMINI, ESQ.

ATTORNEY FOR PLAINTIFF

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kazerouni Law Group, APC, 245 Fischer Avenue, Unit D1, Costa Mesa, California 92626. On December 26, 2023, I served the herein described document(s):

DECLARATION OF MONA AMINI IN RESPONSE TO ORDER TO SHOW CAUSE (DKT. NO. 12); AND EXHIBITS 1, 2, AND 3.

- ☒ CM/ECF - by transmitting electronically the document(s) listed above to the electronic case filing system on this date before 11:59 p.m. The Court's CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record who are registered with the Court's CM/ECF system.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 26, 2023 at Costa Mesa, California.

/s/ Mona Amini

MONA AMINI, ESQ.